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COLORADO
DEPARTMENT
OF PUBLIC SAFETY

DEPARTMENT OF TRANSPORTATION
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DOCKET SECTION

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September 10, 1998

Docket Clerk
U.S. DOT Dockets
Room PL-401
400 Seventh Street, SW
Washington, DC 20590-0001

re: FHWA-98-3414-11

Gentlemen;

Currently, the Out-Of-Service Criteria (OOSC) is developed and maintained by the CVSA. The intent of the OOSC is to provide uniform guidelines to roadside inspectors identifying those conditions/violations that are so unsafe, that an imminent risk of accident would occur if the vehicle or driver was allowed to proceed. The critical word is guidelines---roadside inspectors make the final decision on what action needs to be taken and they are expected to use sound judgement and logical thinking when making this decision.

The OOSC is a document that needs to be changed and revised in a timely fashion as new technologies emerge and as new information becomes available from industry and enforcement. Inclusion of the OOSC into the Federal Regulations subjects them to both the formal rulemaking process and the interpretation process. The formal rulemaking process, at times, can be incredibly slow. Comparatively speaking, rulemaking is overly cumbersome and burdensome as opposed to CVSA's continuous improvement methodology. CVSA also focuses on quality, details, and expertise when determining OOSC, for example, the summer meeting of the vehicle committee was held in Detroit at SKS, the worlds largest bearing manufacturer. SKS had engineers present programs to the committee on the causes and contributing factors to bearing malfunction. Discussions (that included government, industry, and the manufacturer) were then held as to how these issues affected the OOSC dealing with bearings. Decisions were made and implemented into the criteria. An "interpretations individual" does not have this kind of time and resources available, thus lacking critical information and similar expertise when making his interpretation. Further, interpretations made on O.O.S. issues would not be open to the rulemaking process and may not reflect the opinion of most states regarding out-of-service items.

Roy Romer
GOVERNOR

Patrick C. Ahlstrom
EXECUTIVE DIRECTOR

Colorado State
Patrol

Colorado Bureau
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Division of
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Division of
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Lastly, adopting the OOSC into the Federal Regulations will have a negative impact on our seamless borders, not just between states but between Canada and Mexico because the safety standards are referred to as the "North American" standards and o o s c .

Therefore, the Colorado State Patrol believes the OOSC should not become part of the FMCSR's. The Patrol feels they should be left as they currently are, guidelines generated and updated by CVSA.

Sincerely,

A handwritten signature in black ink that reads "Don Taullie". The signature is written in a cursive, flowing style.

Don Taullie
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xc: Major Harris
Captain Dameron
Sergeant Pitzer
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